UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
YEN, SYLING

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 January 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>19</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>19</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>30 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>01/30/04</u>.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   The pending claim 19 is presented for examination.

Claim Objections

2.   Claim 19 is objected to because of the following informalities: Claim 19 cites the

phrase "(including embedded devices)". It is not clear what does it mean to have the

limitation "including embedded devices" parenthesized. Appropriate correction is

required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious by Beeler, Jr. (U.S.

Patent 5,974,563 hereinafter, "Beeler") in view of Dulong (U.S. Patent 5,825,921

hereinafter, "Dulong"), Kondo et al (U.S. Patent 5,586,254 hereinafter, "Kondo") and

Kawamura et al (U.S. Patent 5,136,642 hereinafter, "Kawamura").

6.   With respect to claim 1,

        Beeler discloses **a system for tracking and backing all the information that a**

user generates on computer devices, in real time (Beeler col. 3 lines 43 - 67 e.g.

real-time, transaction-based replication of one or more source computers on a network

to one or more target computers, which may or may not be running the same operating

system software as the original source computer)**, the system comprising:**

        means for sending all of this information to a remote server (Beeler col. 3

lines 43 - 67 e.g. real-time, transaction-based replication of one or more source

computers on a network to one or more target computers, which may or may not be

running the same operating system software as the original source computer) **via the**

Internet for backup,

        wherein the remote server generates and downloads the same files that are

downloaded on the local user computer devices (Beeler col. 5 lines 44-52 e.g.

provided for the user to select files to be replicated by file name, location, or type. A

database of files to be replicated is maintained on the source computer; to mirror only

those files on a computer that are considered to be critical enough to require real-time
replication)**;**

   **the translator interprets which actions made by the user actually change
the database, and this information is sent to a backup server, where it is decided
what should be saved** (Beeler (33) e.g. replication commands can be held in memory
or on disk while data on the target computer is accessed);

   **wherein the backup server also downloads files that were downloaded by
the user** (Beeler col. 5 lines 44-52 e.g. provided for the user to select files to be
replicated by file name, location, or type. A database of files to be replicated is
maintained on the source computer; to mirror only those files on a computer that are
considered to be critical enough to require real-time replication).

   Although Beeler substantially teaches the claimed invention, Beeler does not
explicitly indicate the capability of **(including embedded devices** (Dulong (18) e.g. the
signal generator 522 may also include a stylus and specialized pad for input of
handwriting information (which is an analog communication signal representing the
movement of the stylus with reference to the pad by a user hand)))**;**

   a local server to record all user actions and gestures (Dulong col. 3 lines 6 -
23 e.g. use within a computer system specially implemented for pattern recognition
applications, such as handwriting or voice recognition)**;**

   remote server interprets the user's actions, including user gestures (Dulong
col. 3 lines 6 - 23 e.g. transferring information from one set or sets of memory locations
to another set or sets of memory locations; use within a computer system specially

implemented for pattern recognition applications, such as handwriting or voice

recognition);

wherein the user's actions are stored in a database of user actions, the

user's actions are interpreted by a translator server (Dulong col. 3 lines 6 - 23 e.g.

transferring information from one set or sets of memory locations to another set or sets

of memory locations; use within a computer system specially implemented for pattern

recognition applications, such as handwriting or voice recognition)

Dulong teaches the limitations as stated above.

It would have been obvious to one of ordinary skill in the art of data processing,

at the time of the present invention, having the teachings of Beeler and Dulong before

him/her, to modify the data processing system of Beeler, wherein the data processing

system would include pattern recognition, such as handing writing or voice recognition

as taught by Dulong because that would have allowed the data processing system to

provide a computer system with an efficient mechanism for transferring information

quickly and without consuming valuable computation time which can be useful in

conjunction with a pattern recognition system (Dulong col. 1 lines 32-37).

Although Beeler and Dulong combination substantially teaches the claimed

invention, they do not explicitly indicate the capability of **wherein the remote server**

has a virtual map (Kondo col. 7 lines 46-64 e.g. a second database storing information

relating to a peripheral map indicating the location of the network device) **of all the**

embedded devices (Kondo col. 22 lines 36-46 e.g. identifying a certain computer,

terminal, network device, peripheral device or cable from those as displayed in the

drawing of the network configuration; Examiner has interpreted according to Kanevsky
et al (US 6,295,051) such that the peripheral device of a computer is an embedded
device of a computer) **on a computer that the person uses.**

On the other hand, Kondo teaches the limitation as stated above.

It would have been obvious to one of ordinary skill in the art of data processing,
at the time of the present invention, having the teachings of Beeler, Dulong and Kondo
before him/her, to modify the data processing system of Beeler and Dulong
combination, wherein the system would include a peripheral map of peripheral devices
at a remote server as taught by Kondo because that would have allowed the system to
provide technology so adapted as to reduce the work of a network manager and simplify
the work of the network manager (Kondo col. 6 lines 8-13).

Although Beeler, Dulong and Kondo combination substantially teaches the
claimed invention, they do not explicitly indicate the capability of **wherein the user
generates new data by using a program that generates new prime numbers**
(Kawamura col. 8 lines 51-61 e.g. two different large prime numbers p, q are
generated,).

Kawamura teaches the limitation as stated above.

It would have been obvious to one of ordinary skill in the art of data processing,
at the time of the present invention, having the teachings of Beeler, Dulong, Kondo and
Kawamura before him/her, to modify the data processing system of Beeler, Dulong and
Kondo combination, wherein the method would include generating different prime
numbers as taught by Kawamura because that would have allowed the system to

prevent the impersonation attack carried out by resending the key distribution information in the sharing key method between two persons or among three or more persons (Kawamura col. 3 lines 35-42).

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

7.　　　The examiner requests, in response to this office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

8.　　　When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the reference cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SyLing Yen whose telephone number is 571-270-1306. The examiner can normally be reached on Mon-Fri 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978.　The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SyLing Yen
Examiner
Art Unit 2166

SY
April 2, 2008

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